

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

|                          |   |                        |
|--------------------------|---|------------------------|
| DAVID PALM,              | ) |                        |
|                          | ) |                        |
| Plaintiff,               | ) | CIVIL ACTION           |
|                          | ) | FILE NO. 1:21-cv-23489 |
|                          | ) |                        |
| v.                       | ) |                        |
|                          | ) |                        |
| TAURUS INTERNATIONAL     | ) |                        |
| MANUFACTURING, INC., and | ) |                        |
| TAURUS HOLDINGS, INC.,   | ) |                        |
|                          | ) |                        |
| Defendants.              | ) |                        |
| _____                    | ) |                        |

**NOTICE OF REMOVAL**

DEFENDANTS Taurus International Manufacturing, Inc. (“TIMI”) and Taurus Holdings, Inc. (“Holdings”), in accordance with 28 U.S.C. §§ 1441 and 1446, hereby submit this Notice of Removal and remove the civil action filed by the above-captioned Plaintiff from the Circuit Court of the 11th Judicial Circuit for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida. In support of this Notice of Removal, TIMI and Holdings state as follows:

**Background and Procedural History**

1. TIMI and Holdings have removed this action because there is complete diversity between the Plaintiff and the Defendants in this action, thereby affording this Court with original jurisdiction under 28 U.S.C. § 1332(a).

2. On September 1, 2021, Plaintiff David Palm filed this products-liability action concerning a .40 caliber semi-automatic pistol in the 11th Judicial Circuit for Miami-Dade County, Florida, styled *David Palm v. Taurus International Manufacturing, Inc. and Taurus Holdings, Inc.*, Case No. 2021-020429-CA-01 (the “State Court Action”).

3. On September 10, 2021, TIMI and Holdings were each served with Plaintiff's Summons and Complaint in the State Court Action by and through each company's registered agent in Bainbridge, Georgia. This Notice of Removal is being filed within thirty days of TIMI's and Holdings's receipt through service of Plaintiff's Complaint, and therefore, under 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely and proper.

4. In accordance with 28 U.S.C. § 1446(a), true and legible copies of all process, pleadings, orders, and other papers or exhibits of every kind on file in the State Court Action and known to have been served by, or upon TIMI and Holdings, are attached hereto as composite **Exhibit "A."** TIMI and Holdings are not aware of any further proceeding in the State Court Action.

**Grounds for Removal**

5. This action qualifies for removal to this Court because complete diversity exists between Plaintiff and the Defendants and the amount in controversy will exceed the sum of \$75,000.00, exclusive of punitive damages, costs, and attorneys' fees, as required for original jurisdiction in this Court under 28 U.S.C. § 1332(a).

6. Plaintiff alleges that "all times pertinent to this complaint [he] was a resident of Starke County, Indiana." (Ex. A, Compl. ¶ 9.) TIMI and Holdings are not citizens of the State of Florida. TIMI's and Holdings's principal places of business and states of incorporation are both in Georgia. TIMI and Holdings are not domiciled in Florida.

7. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. Plaintiff alleges that he "lost much of the use of his left hand" and that his

alleged injuries “will require hospitalization and procedures leaving permanent physical and psychological limitations and deficits.” (Ex. A, Compl. ¶ 64.)

8. TIMI and Holdings will promptly cause to be filed the Notice of Filing Notice of Removal attached hereto as **Exhibit “B”**, with a copy of this Notice of Removal, in the Office of the Clerk of the Circuit Court of Miami-Dade County. TIMI and Holdings will also promptly provide a written copy of the Notice of Removal to Plaintiff’s counsel identified in the State Court Action.

9. TIMI and Holdings have complied with all conditions precedent to the removal of this action and this case has been timely removed.

10. By removing the State Court Action to this Court, TIMI and Holdings do not waive or compromise, but instead hereby specifically preserve, any and all of TIMI’s and Holdings’s defenses and claims in this lawsuit, including those concerning process, service of process, and personal jurisdiction. *See* 9 Charles Alan Wright & Arthur Miller, *Federal Practice and Procedure* § 1395 (3d ed. 2019) (“A party who removes an action from a state to a federal court does not thereby waive any of his or her Federal Rule 12(b) defenses or objections.”).

11. By removing the State Court Action to this Court, TIMI and Holdings do not admit any of the allegations in Plaintiff’s Complaint.

WHEREFORE Defendants Taurus International Manufacturing, Inc. and Taurus Holdings, Inc. respectfully give notice that the above-described civil action pending in the Circuit Court of the 11th Judicial Circuit for Miami-Dade County, Florida, is removed to this Court.

Respectfully submitted, this 30<sup>th</sup> day of September, 2021.

**SMITH, GAMBRELL & RUSSELL, LLP**

/s/ James H. Cummings

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*and*

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*Attorneys for Defendants Taurus International  
Manufacturing, Inc. & Taurus Holdings, Inc.*

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|                          | ) |                        |
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|                          | ) |                        |

**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system and served a true and correct copy of the foregoing via electronic and First Class Mail to the following:

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Attorney